

REMARKS

Formal Matters

Claims 20, 22, 26-28 & 31-36 remain in this application. Claims 1-19, 21, 23-25 were previously canceled. Claims 20, 22, 32 and 33 are amended. The Examiner has acknowledged that claim 31 is directed to allowable subject matter. No new matter is added by the amendments.

Support for the amendments is found throughout the specification, such as at page 2, lines 17-20 and Figure 2 and page 26, lines 6-10 and Example 9.

In view of the Examiner's earlier restriction requirement, applicants retain the right to present withdrawn and cancelled subject matter in subsequent prosecution.

Objections

Responsive to the Examiner's rejection of claim 33, Applicants have adopted the Examiner's revision.

Rejection Under 35 U.S.C. § 102(e) over Timans (USP 6,680,380)

Claims 22, 26-28, and 33-36 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Timans (USP 6,680,380).

In response, Applicants' amendments render the rejection moot. Timans does not teach a polypeptide fragment of amino acid residues 37 to 203 of SEQ ID NO:5 that binds differentially to IL-18R ECD but not IL-1R ECD.

Rejection Under 35 U.S.C. § 102(e) over Sims *et al.* (U.S.2003/0091532)

Claims 20, 22 and 26-28, and 32-26 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Sims et al. (US2003/0091532).

Appl. No. 09/869,566

Patent Docket P2534-3

Amend. dated December 6, 2005

Response to Office Action mailed on: June 14, 2005

In response, Applicants' amendments render the rejection moot. Sims et al. does not teach a polypeptide fragment of amino acid residues 37 to 203 of SEQ ID NO:5 that binds differentially to IL-18R ECD but not IL-1R ECD.

SUMMARY

Claims 20-22, 26-28, and 31-36 are pending in the application. Claims 1-19, 21, 23-25 and 29-30 were previously canceled without prejudice to later prosecution.


If in the opinion of the Examiner, a **telephone conference** would expedite the prosecution of the subject application, the Examiner is **strongly encouraged** to call the undersigned at the number indicated below.

This request for continued examination is submitted with a transmittal letter and petition for a three-month extension of time and fees. In the unlikely event that this document is separated from the transmittal letter or if fees are required, applicants petition the Commissioner to authorize charging our Deposit Account 07-0630 for any fees required or credits due and any extensions of time necessary to maintain the pendency of this application.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,
GENENTECH, INC.

Date: **December 6, 2005**

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